

REMARKS / DISCUSSION OF ISSUES

Claims 1, 3, 5 – 11 and 13 are pending in the application. Claims 1, 8 and 11 are independent.

In the present response, the claims are not amended.

35 U.S.C. 103

Under 35 U.S.C. 103(a), the Office Action rejects claims 1, 5 – 11 and 13 over Lundkvist (WO 02/035036 A1), in view of Blumenau et al., (U.S. Pat 6,493,825 B1), hereinafter Blumenau.

Applicant submits that for at least the following reasons, claims 1, 5 – 11 and 13 are patentable over Lundkvist and Blumenau, either singly or in combination.

For example, claim 1, in part, requires:

*"generating by the first communication device a third signal by
modifying the first signal according to the common secret;
comparing the third signal with the received second signal to check
if the second signal has been modified according to the common secret."*

Lundkvist, Fig. 3, paragraph [0034], apparently discloses that a third signal Y2 is generated by the second device. Apparently, the first device in Lundkvist, decrypts signals (Z and Y2) received from the second device, but it does not perform any modification on the first signal X to generate any third signal. Therefore, Lundkvist does not teach or suggest that the third signal is generated by the first communication device by modifying the first signal according to the common secret, as claimed. Although Lundkvist discloses that $f(x)$, $f(z)$ and T2 are checked, it does not teach or suggest that the checking is performed by comparing the third signal with the received second signal. Since, as discussed above, the first device in Lundkvist does not generate the third signal by modifying the first signal according to the common secret, there is no comparing the third signal with the received second signal. Therefore, Lundkvist fails to disclose the claimed feature: generating by the first communication device a third

signal by modifying the first signal according to the common secret, and comparing the third signal with the received second signal to check if the second signal has been modified according to the common secret.

Because of the defects present in Lundkvist as discussed above, the Office Action cited Blumenau and alleged that Blumenau discloses the above claimed features. Applicant respectfully disagrees.

In the Office Action, page 3, lines 14 – 15, the Office Action interpreted the STORAGE SUBSYSTEM PORT ADAPTER in Blumenau as the first communication device in the claimed invention. Applicants respectfully traverse such interpretation. Blumenau, column 37, lines 46 – 47 and Fig. 33, element 381, clearly shows that it is the HOST CONTROLLER that sends a request in the first step of the process. Since the HOST CONTROLLER sends the first signal, the HOST CONTROLLER should be identified with the first communication device as claimed, while the STORAGE SUBSYSTEM PORT ADAPTER should be identified with the second communication device as claimed. The element 383 that sends random number to the host controller, element 385 that encrypts the random number, the element 388 that receives the encrypted value from the host controller and the element 389 that matches the encryption values, are elements in the STORAGE SUBSYSTEM PORT ADAPTER, which is the second communication device. Since the HOST CONTROLLER (first communication device) in Blumenau does not generate a third signal by modifying the first signal according to the common secret, or compare the third signal with the received second signal to check if the second signal has been modified according to the common secret, thus Blumenau also fails to disclose the above claimed features.

Furthermore, Applicant submits that it is not obvious to combine the teachings of Lundkvist and Blumenau to arrive at the claimed invention. Lundkvist, discloses that it is the first communication system that sends the first signal X in order to perform the distance measurement (Lundkvist, Fig. 2 and page 8, lines 24 – 26). As discussed above, the Office Action alleged that the STORAGE SUBSYSTEM PORT ADAPTER in Blumenau is the first

communication device. However, the STORAGE SUBSYSTEM PORT ADAPTER in Blumenau is the one that sends the second signal, not the first signal. Applicant submits that the roles of the first and second communication devices are clearly different and are not interchangeable. A person ordinarily skilled in the art would not find it obvious to reverse the roles of the first and second communication devices, disregard the first signal, reclassify the second signal as the first signal, the third signal as the second signal, etc. in Blumenau, and only then combine the modified Blumenau and Lundkvist to arrive at the claimed invention.

In view of at least the foregoing, Applicant submits that claim 1 is patentable over Lundkvist and Blumenau, either singly or in combination.

Similarly, claim 8, in part, requires:

*"generating by the third communication device a third signal by modifying the first signal according to the common secret;
comparing the third signal with the received second signal to check if the second signal has been modified according to the common secret."*

Also, claim 11, in part, requires:

*"means for generating by the first communication device a third signal by modifying the first signal according to the common secret;
means for comparing the third signal with the received second signal to check if the second signal has been modified according to the common secret."*

Applicants essentially repeat the above arguments for claim 1 and apply them to claims 8 and 11 pointing out why Lundkvist and Blumenau fail to disclose the claimed feature: generating by the third communication device a third signal by modifying the first signal according to the common secret, and comparing the third signal with the received second signal to check if the second signal has been modified according to the common secret; or the feature: means for generating by the first communication device a third signal by modifying the first

signal according to the common secret, and means for comparing the third signal with the received second signal to check if the second signal has been modified according to the common secret. Therefore, claims 8 and 11 are patentable over Lundkvist and Blumenau, either singly or in combination.

Claims 5 – 7, 9, 10 and 13 respectively depend from claims 1, 8 and 11, and inherit all the respective features of claims 1, 8 and 11. Thus, claims 5 – 7, 9, 10 and 13 are patentable for at least the reasons discussed above with respect to each independent claim from which they depend in addition to the further distinguishing features contained in each dependent claim.

Under 35 U.S.C. 103(a), the Office Action also rejects claim 3 over Lundkvist in view of Blumenau, in further view of Rofheart et al. (WO 01/93434 A2), hereinafter referred to as Rofheart.

Claim 3 depends from claim 1 and inherits all the features of claim 1. Applicants submit that Rofheart does not in any way cure the defects pointed out above with respect to Lundkvist and Blumenau with respect to claim 1 above. Thus, claim 3 is patentable over Lundkvist, Blumenau and Rofheart, either singly or in combination for at least the reason that it depends from claim 1, with further distinguishing features.

Withdrawal of the rejection of claims 1, 3, 5 – 11 and 13 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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